**THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

Civil Misc. Writ Petition (M/S) No. 270 of 2006
(Under Article 227 of the Constitution of India)

Surendra Bahukhandi, aged about 50 years,
S/O late Kulanand Bahukhandi,
R/O Garhwal Mandal Vikas Nigam Yatra Office
Near Natraj Haridwar Bye Pass Road, Rishikesh,
District Dehradun. … **Petitioner.**

***Versus***

1. Civil Judge (Senior Division) Dehradun.
2. Garhwal Mandal Vikas Nigam Ltd. through its Managing Director, Garhwal Mandal Vikas Nigam Ltd. 74/1, Rajpur Road, Dehradun.
3. General Manager (Finance) Garhwal Mandal Vikas Nigam Ltd. 74/1, Rajpur Road, Dehradun.
4. Finance and Accounts Officer (Tourism) Garhwal Mandal Vikas Nigam Ltd. 74/1, Rajpur Road, Dehradun.
5. Audit Officer, Garhwal Mandal Vikas Nigam Ltd. 74/1, Rajpur Road, Dehradun.

… **Respondents.**

**Sri J.P.Joshi, Advocate, learned counsel for the petitioner.**
**Sri Nand Prasad, Learned Standing Counsel for the respondent No. 1.**
**Sri U.K.Uniyal, Sr. Advocate, learned counsel for respondents 2 to 5.**

**Dated March 24, 2006.**

**PC:**
**(Hon'ble B.S. Verma, J.)**

Heard learned counsel.

The petitioner has filed the present Writ Petition to issue a writ, order or direction in the nature of mandamus commanding the Civil Judge (Senior Division), Dehradun ( respondent no.1) to decide the Original Suit No. 683 of 2004, Surendra Bahukhandi Vs. Garhwal Mandal Vikas Nigam Ltd. and others as well as the application for ad interim injunction filed by the petitioner in the suit expeditiously.

Relevant facts are that the petitioner is an employee of the respondent no.2. The plaintiff-petitioner filed the suit on 21.12.2004 against the respondent nos. 2 to 5 for permanent injunction for restraining the defendants from making any recovery against the plaintiff. Along with the suit, the plaintiff filed application under Order 39, Rule 1 and 2 C.P.C. It is alleged that on the application for temporary injunction, the respondent no.1 directed issue of notice to the defendants fixing 13.1.2005. It is alleged that the defendants are adopting delay tactics so as prolong the disposal of the suit as well as the application for temporary injunction which too could not have been decided so far.

In the facts and circumstances of the case and taking into consideration that the temporary injunction filed by the petitioner in the suit No. 683 of 2004, Surendra Bahukhandi Vs. Garhwal Mandal Vikas Nigam Litd and others, it is a fit case in which direction for expeditious disposal of the application under Order 39, Rules 1 and 2 C.P.C. and the original suit be issued to the respondent no.1.

The learned Civil Judge (Sr.Division), Dehradun is directed to decide the aforesaid O.S. No. 683 of 2004 pending disposal in his court preferably within a period of one year and the application under Order 39 Rules 1 and 2 C.P.C. filed by the plaintiff-petitioner in accordance with law on merit within one month as far as possible from the date of production of certified copy of this order.

With the aforesaid observation, the Writ Petition is disposed of finally.

**(B.S. Verma, J.)**

RCP